

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

E. I. DU PONT DE NEMOURS AND
COMPANY,

Plaintiff,

V.

C.A. No. 07-346 SLR

MECHANICAL INTEGRITY, INC.,

Defendant.

SCHEDULING ORDER

At Wilmington this 6th day of ~~August~~^{September}, 2007, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b).

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The parties have exchanged the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.
2. **Discovery.**
 - (a) Discovery will be needed on the following subjects, based on facts and circumstances developed during discovery:
 - (i) Facts and circumstances surrounding Defendant's inspections of the chloroform pipeline in DuPont's Louisville, Kentucky facility;
 - (ii) Facts and circumstances establishing the condition of the chloroform pipeline in DuPont's Louisville, Kentucky facility during the relevant time period;
 - (iii) Facts and circumstances establishing DuPont's damages; and
 - (iv) Facts and circumstances surrounding the allegations in the Complaint, Answer, and Affirmative Defenses, filed in this action.

(b) All fact discovery shall be commenced in time to be completed by **February 29, 2008**.

(c) Maximum of **forty (40)** interrogatories by each party to any other party.

(d) Maximum of **twenty-five (25)** requests for admission by each party to any other party.

(e) Maximum of **ten (10)** depositions by Plaintiff and **ten (10)** by Defendant.

(f) Each deposition limited to a maximum of **seven (7) hours** unless extended by agreement of parties.

(g) Reports from retained experts under Rule 26(a)(2) on issues for which any party has the burden of proof due by **March 14, 2008**. Rebuttal expert reports due by **May 14, 2008**.

(h) **Discovery Disputes.** Any discovery dispute shall be submitted to the Court pursuant to Fed. R. Civ. P. 37. During the course of discovery, each party is limited to **two (2)** Rule 37 motions. The Court shall make itself available, however, to resolve through a telephone conference, disputes that arise during the course of a deposition and disputes related to entry of a protective order.

3. **Joinder of other Parties, Amendment of Pleadings, and Class Certification.**

All motion to join other parties, amend the pleadings, and certify a class action shall be filed on or before **November 2, 2007**.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to a Magistrate Judge for the purposes of exploring the possibility of alternative dispute resolution (ADR).


5. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before **May 30, 2008**. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than **ten (10)** days from the above date without leave of the Court.

6. **Applications by Motion.** Any application to the Court shall be by written motion filed with the clerk. Unless otherwise requested by the Court, counsel shall not deliver copies of papers or correspondence to Chambers. **Any non-dispositive motion shall contain the statement required by D. Del. LR 7.1.1.**

7. **Motions in Limine.** All motions in limine shall be filed on or before **October 2, 2008**. All responses to said motions shall be filed on or before **October 9, 2008**.

8. **Pretrial Conference.** A pretrial conference will be held on **October 16, 2008 at 4:30 p.m** in Courtroom No. 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

9. **Trial.** This matter is scheduled for a four-day jury trial commencing on **October 27, 2008** in Courtroom 6B, Sixth Floor Federal Building, 844 King Street, Wilmington, Delaware. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.



United States District Judge

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